



## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000726

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 2-17 \_\_\_\_\_ as originally filed/furnished
- pages\* 1, 1a \_\_\_\_\_ received by this Authority on 30.09.2004 with letter
- pages\* \_\_\_\_\_ received by this Authority on of 08.07.2004
- ☒ the claims:
- nos. 1-11 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/3-3/3 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	2-11	YES
	Claims	1	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

1. The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

Document D1 discloses (the references in parentheses are to said document):

- 1.1 Claim 1: a method for operating a drive train in a motor vehicle, said drive train being provided with a drive motor, a transmission and a friction clutch between the drive motor and the transmission, a control device monitoring a state of the friction clutch (column 4, lines 58-69) and, on the basis of the monitoring results, an output torque of the drive motor being reduced (claims 1 and 3; column 7, lines 6-9), an amount of energy dissipated and/or a temperature of the friction clutch being determined by the control device in the event of a slipping friction clutch (column 8, lines 26-41), the amount of energy and/or the temperature being compared with

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

threshold values (column 5, lines 3-6) and the output torque of the drive motor being reduced if one or both thresholds are exceeded (column 6, line 7 to column 7, line 9) (see also claims 1, 3, 15 and 17).

In D1, the output torque of the drive motor is reduced as a function of the temperature (see D1, column 2, lines 50-57, claim 1 ("...varying the engine torque and...in such a manner that the temperature increase...is reduced in magnitude") and claim 15 ("...monitoring the temperature of the frictional slip clutch in order to avoid a heat overload").

2. The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claims 2-11 does not involve an inventive step (PCT Article 33(3)).

2.1 The features of claim 2 concern only minor structural modifications of the method according to claim 1, said modifications being of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable. In consequence, the subject matter of claim 2, likewise, does not involve an inventive step.

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2.2 The features of claim 3 are described in their entirety in claim 2. Consequently, the subject matter of claim 3 does not involve an inventive step (see point 3.1).

2.3 Dependent claims 4-11 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and/or inventive step.

The features of claims 4-11 relate to only one of several obvious possibilities from which a person skilled in the art would choose in order to realise a method for the operation of a drive train.